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*Counsel for Massand Capital, LLC and
Massand Capital, Inc.*

**IN THE UNITED BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.**

**MARC S. KIRSCHNER, AS LITIGATION
TRUSTEE OF THE LITIGATION SUB-TRUST,**

Plaintiff,

v.

**JAMES D. DONDERO; MARK A. OKADA; SCOTT
ELLINGTON; ISAAC LEVENTON; GRANT
JAMES SCOTT III; FRANK WATERHOUSE;
STRAND ADVISORS, INC.; NEXPOINT
ADVISORS, L.P.; HIGHLAND CAPITAL
MANAGEMENT FUND ADVISORS, L.P.;
DUGABOY INVESTMENT TRUST AND NANCY
DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST AND
GRANT JAMES SCOTT III, AS TRUSTEE OF GET
GOOD TRUST; HUNTER MOUNTAIN
INVESTMENT TRUST; MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT TRUST #1
AND LAWRENCE TONOMURA AS TRUSTEE OF
MARK & PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1; MARK & PAMELA OKADA
FAMILY TRUST – EXEMPT TRUST #2 AND
LAWRENCE TONOMURA IN HIS CAPACITY AS
TRUSTEE OF MARK & PAMELA OKADA
FAMILY TRUST – EXEMPT TRUST #2; CLO
HOLDCO, LTD.; CHARITABLE DAF HOLDCO,
LTD.; CHARITABLE DAF FUND, LP.;
HIGHLAND DALLAS FOUNDATION; RAND PE
FUND I, LP, SERIES 1; MASSAND CAPITAL,**

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

**ANSWER TO AMENDED
COMPLAINT**

**LLC; MASSAND CAPITAL, INC.; SAS ASSET
RECOVERY, LTD.; AND CPCM, LLC,**

Defendants.

**DEFENDANTS MASSAND CAPITAL, LLC'S AND MASSAND CAPITAL, INC.'S.
ANSWER TO PLAINTIFF'S AMENDED COMPLAINT**

COMES NOW, MASSAND CAPITAL, LLC ("MCL") and MASSAND CAPITAL, INC. ("MCI") (collectively MCL and MCI referred to as "Defendants" or "Massand Capital"), and files its answer to Plaintiff's Amended Complaint (the "Complaint") filed on May 19, 2022 and would respectfully show the Court as follows:

ANSWER

I.
INTRODUCTION

1. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 1 of the Complaint.

2. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 2 of the Complaint.

3. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 3 of the Complaint.

4. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 4 of the Complaint.

5. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 5 of the Complaint.

6. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 6, including all bullet points, of the Complaint.

7. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 7 of the Complaint.

8. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 8 of the Complaint.

9. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 9 of the Complaint.

10. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 10 of the Complaint.

II. PARTIES

11. Massand Capital admits the Litigation Trustee for the Trust was established under the HCMLP's Plan.

12. Massand Capital admits that Dondero previously served as the Chief Executive Officer and President of HCMLP. Massand Capital is without information sufficient to admit or deny the remaining allegations contained in Paragraph 12 of the Complaint.

13. Massand Capital admits that Okada previously served as the Chief Investment Officer of HCMLP. Massand Capital is without information sufficient to admit or deny the remaining allegations contained in Paragraph 13 of the Complaint.

14. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 14 of the Complaint.

15. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 15 of the Complaint.

16. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 16 of the Complaint.

17. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 17 of the Complaint.

18. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 18 of the Complaint.

19. Massand Capital admits that Ellington previously served as Chief Legal Officer of HCMLP. Massand Capital is without information sufficient to admit or deny the remaining allegations contained in Paragraph 19 of the Complaint.

20. Massand Capital admits that Leventon previously served as an Assistant General Counsel of HCMLP. Massand Capital is without information sufficient to admit or deny the remaining allegations contained in Paragraph 20 of the Complaint.

21. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 21 of the Complaint.

22. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 22 of the Complaint.

23. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 23 of the Complaint.

24. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 24 of the Complaint.

25. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 25 of the Complaint.

26. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 26 of the Complaint.

27. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 27 of the Complaint.

28. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 28 of the Complaint.

29. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 29 of the Complaint.

30. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 30 of the Complaint.

31. Massand Capital admits that MCI was a New York entity and MCL was a Delaware entity and each previously received payment for services. Massand Capital is without information sufficient to admit or deny the remaining allegations contained in Paragraph 32 of the Complaint.

32. Massand Capital admits that SAS was a Cayman Island entity. Massand Capital is without information sufficient to admit or deny the remaining allegations contained in Paragraph 32 of the Complaint.

III. **JURISDICTION, VENUE & STANDING**

33. Massand Capital is not required to admit or deny solely legal statements contained in Paragraph 33 of the Complaint.

34. Massand Capital is not required to admit or deny solely legal statements contained in Paragraph 34 of the Complaint

35. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 35 of the Complaint.

36. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 36 of the Complaint.

37. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 37 of the Complaint.

38. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 38 of the Complaint.

39. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 39 of the Complaint.

IV.
FACTUAL ALLEGATIONS

40. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 40 of the Complaint.

41. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 41 of the Complaint.

42. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 42 of the Complaint.

43. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 43 of the Complaint.

44. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 44 of the Complaint.

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46. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 46 of the Complaint.

47. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 47 of the Complaint.

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49. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 49 of the Complaint.

50. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 50 of the Complaint.

51. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 51 of the Complaint.

52. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 52 of the Complaint.

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54. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 54 of the Complaint.

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56. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 56 of the Complaint.

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58. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 58 of the Complaint.

59. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 59 of the Complaint.

60. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 60 of the Complaint.

61. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 61 of the Complaint.

62. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 62 of the Complaint.

63. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 63 of the Complaint.

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66. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 66 of the Complaint.

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70. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 70 of the Complaint.

71. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 71 of the Complaint.

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73. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 73 of the Complaint.

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80. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 80 of the Complaint.

81. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 81 of the Complaint.

82. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 82 of the Complaint.

83. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 83 of the Complaint.

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107. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 107 of the Complaint.

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111. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 111 of the Complaint.

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131. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 131 of the Complaint.

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147. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 147 of the Complaint.

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151. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 151 of the Complaint.

152. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 152 of the Complaint.

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161. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 161 of the Complaint.

162. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 162 of the Complaint.

163. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 163 of the Complaint.

164. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 164 of the Complaint.

165. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 165 of the Complaint.

166. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 166 of the Complaint.

167. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 167 of the Complaint.

168. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 168 of the Complaint.

169. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 169 of the Complaint.

170. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 170 of the Complaint.

171. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 171 of the Complaint.

CAUSES OF ACTION

172. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

173. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 173 of the Complaint.

174. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 174 of the Complaint.

175. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 175 of the Complaint.

176. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 176 of the Complaint.

177. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 177 of the Complaint.

178. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 178 of the Complaint.

179. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 179 of the Complaint.

180. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

181. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 181 of the Complaint.

182. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 182 of the Complaint.

183. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 183 of the Complaint.

184. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 184(a)-(h) of the Complaint.

185. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 185 of the Complaint.

186. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 186 of the Complaint.

187. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

188. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 188 of the Complaint.

189. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 189 of the Complaint.

190. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 190 of the Complaint.

191. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 191 of the Complaint.

192. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 192 of the Complaint.

193. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

194. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 194 of the Complaint.

195. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 195 of the Complaint.

196. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 196 of the Complaint.

197. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 197 of the Complaint.

198. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 198 of the Complaint.

199. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 199 of the Complaint.

200. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 200 of the Complaint.

201. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

202. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 202 of the Complaint.

203. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 203 of the Complaint.

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206. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 206 of the Complaint.

207. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 207 of the Complaint.

208. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 208 of the Complaint.

209. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 209 of the Complaint.

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211. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 211 of the Complaint.

212. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 212 of the Complaint.

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214. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 214 of the Complaint.

215. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 215 of the Complaint.

216. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 216 of the Complaint.

217. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

218. Massand Capital is not required to admit or deny solely legal statements contained in Paragraph 218 of the Complaint.

219. Massand Capital is not required to admit or deny solely legal statements contained in Paragraph 219 of the Complaint.

220. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 220 of the Complaint.

221. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 221 of the Complaint.

222. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

223. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 223 of the Complaint.

224. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 224 of the Complaint.

225. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 225 of the Complaint.

226. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 226 of the Complaint.

227. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 227 of the Complaint.

228. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

229. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 229 of the Complaint.

230. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 230 of the Complaint.

231. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 231 of the Complaint.

232. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 232 of the Complaint.

233. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 233 of the Complaint.

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237. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 237 of the Complaint.

238. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 238 of the Complaint.

239. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

240. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 240 of the Complaint.

241. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 241 of the Complaint.

242. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 242 of the Complaint.

243. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 243 of the Complaint.

244. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 244 of the Complaint.

245. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

246. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 246 of the Complaint.

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253. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 253 of the Complaint.

254. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

255. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 255 of the Complaint.

256. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 256 of the Complaint.

257. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 257 of the Complaint.

258. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 258 of the Complaint.

259. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 259 of the Complaint.

260. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 260 of the Complaint.

261. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 261 of the Complaint.

262. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

263. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 263 of the Complaint.

264. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 264 of the Complaint.

265. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 265 of the Complaint.

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267. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 267 of the Complaint.

268. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 268 of the Complaint.

269. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

270. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 270 of the Complaint.

271. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 271(a)-(f) of the Complaint.

272. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 272 of the Complaint.

273. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 273 of the Complaint.

274. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

275. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 275 of the Complaint.

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279. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 279 of the Complaint.

280. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 280 of the Complaint.

281. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 281 of the Complaint.

282. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 282 of the Complaint.

283. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 283 of the Complaint.

284. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 284 of the Complaint.

285. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

286. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 286 of the Complaint.

287. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 287 of the Complaint.

288. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 288 of the Complaint.

289. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 289 of the Complaint.

290. Massand Capital responds in accordance with every response contained above as if

fully set forth herein.

291. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 291 of the Complaint.

292. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 292 of the Complaint.

293. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 293 of the Complaint.

294. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 294 of the Complaint.

295. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 295(a)-(e) of the Complaint.

296. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 296 of the Complaint.

297. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

298. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 298 of the Complaint.

299. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 299 of the Complaint.

300. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 300 of the Complaint.

301. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 301 of the Complaint.

302. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 302 of the Complaint.

303. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

304. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 304 of the Complaint.

305. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 305 of the Complaint.

306. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 306 of the Complaint.

307. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 307 of the Complaint.

308. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 308 of the Complaint.

309. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 309 of the Complaint.

310. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 310 of the Complaint.

311. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 311 of the Complaint.

312. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 312 of the Complaint.

313. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 313 of the Complaint.

314. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 314 of the Complaint.

315. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

316. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 316 of the Complaint.

317. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 317 of the Complaint.

318. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 318 of the Complaint.

319. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 319 of the Complaint.

320. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 320(a)-(f) of the Complaint.

321. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 321 of the Complaint.

322. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 322 of the Complaint.

323. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 323 of the Complaint.

324. Massand Capital responds in accordance with every response contained above as if

fully set forth herein.

325. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 325 of the Complaint.

326. Massand Capital denies the allegations contained in Paragraph 326 of the Complaint.

327. Massand Capital denies the allegations contained in Paragraph 327 of the Complaint.

328. Massand Capital denies the allegations contained in Paragraph 328 of the Complaint.

329. Massand Capital denies the allegations contained in Paragraph 329 of the Complaint.

330. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

331. Massand Capital denies the allegations contained in Paragraph 331 of the Complaint.

332. Massand Capital denies the allegations contained in Paragraph 332 of the Complaint.

333. Massand Capital denies the allegations contained in Paragraph 333(a)-(g) of the Complaint.

334. Massand Capital denies the allegations contained in Paragraph 334 of the Complaint.

335. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

336. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 336 of the Complaint.

337. Massand Capital denies the allegations contained in Paragraph 337 of the Complaint.

338. Massand Capital denies the allegations contained in Paragraph 338 of the Complaint.

339. Massand Capital denies the allegations contained in Paragraph 339 of the Complaint.

340. Massand Capital denies the allegations contained in Paragraph 340 of the Complaint.

341. Massand Capital denies the allegations contained in Paragraph 341 of the Complaint.

342. Massand Capital denies the allegations contained in Paragraph 342 of the Complaint.

343. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

344. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 344 of the Complaint.

345. Massand Capital denies the allegations contained in Paragraph 345 of the Complaint.

346. Massand Capital denies the allegations contained in Paragraph 346(a)-(f) of the Complaint.

347. Massand Capital denies the allegations contained in Paragraph 347 of the Complaint.

348. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

349. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 349 of the Complaint.

350. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 350 of the Complaint.

351. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 351 of the Complaint.

352. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 352 of the Complaint.

353. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 353 of the Complaint.

354. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 354 of the Complaint.

355. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

356. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 356 of the Complaint.

357. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 357 of the Complaint.

358. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 358 of the Complaint.

359. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 359 of the Complaint.

360. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 360 of the Complaint.

361. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 361 of the Complaint.

362. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

363. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 363 of the Complaint.

364. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 364 of the Complaint.

365. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 365 of the Complaint.

366. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 366 of the Complaint.

367. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 367 of the Complaint.

368. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 368 of the Complaint.

369. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 369 of the Complaint.

370. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 370 of the Complaint.

371. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

372. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 372 of the Complaint.

373. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 373 of the Complaint.

374. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 375 of the Complaint.

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376. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 376 of the Complaint.

377. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 377 of the Complaint.

378. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

379. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 379 of the Complaint.

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382. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 382 of the Complaint.

383. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 383 of the Complaint.

384. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 384 of the Complaint.

385. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 385 of the Complaint.

386. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

387. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 387 of the Complaint.

388. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 388 of the Complaint.

389. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 389 of the Complaint.

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391. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 391 of the Complaint.

392. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 392 of the Complaint.

393. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 393 of the Complaint.

394. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

395. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 395 of the Complaint.

396. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 396 of the Complaint.

397. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 397 of the Complaint.

398. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 398 of the Complaint.

399. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 399 of the Complaint.

400. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

401. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 401 of the Complaint.

402. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 402 of the Complaint.

403. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 403 of the Complaint.

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406. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 406 of the Complaint.

407. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 407 of the Complaint.

408. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

409. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 409 of the Complaint.

410. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 410 of the Complaint.

411. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 411 of the Complaint.

412. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 412 of the Complaint.

413. Massand Capital responds in accordance with every response contained above as if

fully set forth herein.

414. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 414 of the Complaint.

415. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 415 of the Complaint.

416. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 416(a)-(h) of the Complaint.

417. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 417 of the Complaint.

418. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

419. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 419 of the Complaint.

420. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 422 of the Complaint.

421. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 421 of the Complaint.

422. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 422 of the Complaint.

423. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 423 of the Complaint.

424. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 424 of the Complaint.

425. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 425 of the Complaint.

426. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 426 of the Complaint.

427. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 427 of the Complaint.

428. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 428 of the Complaint.

429. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

430. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 430 of the Complaint.

431. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 431 of the Complaint.

432. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 432 of the Complaint.

433. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 433 of the Complaint.

434. Massand Capital responds in accordance with every response contained above as if fully set forth herein.

435. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 435 of the Complaint.

436. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 436 of the Complaint.

437. Massand Capital is without information sufficient to admit or deny the allegations contained in Paragraph 437 of the Complaint.

AFFIRMATIVE DEFENSES

438. Massand Capital affirmatively asserts that Plaintiff is barred, in whole or part, by the doctrine of unclean hands.

439. Massand Capital affirmatively asserts that Plaintiff fails to state a claim on which relief can be granted.

440. Massand Capital affirmatively asserts that certain Plaintiff is liable for any damages caused by making fraudulent statements and/or omissions of material fact.

441. Massand Capital affirmatively asserts that Plaintiff's claims are barred pursuant to the Texas Uniform Fraudulent Transfer Act Section 24.009.

442. Massand Capital affirmatively asserts that Plaintiff's claims are barred by the doctrine of estoppel, laches, proportional responsibility and the business judgment rule.

443. Massand Capital affirmatively asserts that Plaintiff's claim for punitive damages is barred by both the Constitution of the United States and Texas Civil Practice and Remedies Code Section 41.008.

PRAYER

Massand Capital prays for the following relief;

- a. An order dismissing Plaintiff's case in its entirety as to Massand Capital;
- b. An award of Massand Capital's attorneys' fees and costs; and
- c. Any further relief which Massand Capital is entitled per law or equity.

Dated: August 22, 2022

Respectfully submitted,

VANCOUR PERKINS PLLC

/s/ Kevin Perkins
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State Bar No. 24053420
kperkins@vancourperkins.com
5851 Legacy Circle, Suite 600
Plano, Texas 75024
Phone: (972) 865-6034
Fax: (972) 476-1109

**ATTORNEY FOR MASSAND
CAPITAL, LLC and MASSAND
CAPITAL, INC.**

CERTIFICATE OF SERVICE

I certify that on the 22nd day of August 2022 a true and correct copy of the foregoing document was served on all counsel of record via the Court's electronic case filing (ECF) system:

/s/ Kevin Perkins
Kevin Perkins